GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR DEPARTMENT

Labour Dispute.—Industrial Dispute between the workmen and the management of M/s. Barguai Estates of Coffee Lands Ltd., Sakleshpur, Hassan District.

Award of the Presiding Officer, Labour Court, Mangalore published.

Read the following Papers :

(1) Letter No. A/ID-42/44-75 dated 25th January 1975 from Sri H. S. Venkata Subbaiah, Presiding Officer, Labour Court, Mangalore.

BEFORE THE LABOUR COURT AT MANGALORE

Dated 25th January 1975.

Reference (ID) (LCM) No. 42 of 1974.

Present :

Shri H. S. Venkatasubbaiah, B.A., LL.B.,

Presiding Officer.

Between :

The workmen, represented by the Estates Staffs Union of South India, Chikmagalur .. *I Party.*

and

The Management of M/s. Baruguai Estate of the Coffee Lands Ltd., Sakleshpur Post, Hassan District .. *II Party.*

AWARD

The Government of Karnataka, being of the opinion that an industrial dispute exists between the workmen and the management of Barguai Estate of the Coffee Lands Ltd., Sakleshpur, Hassan District, have referred the said dispute for adjudication to this Labour Court under Section

10(1) (c) of the Industrial Disputes Act, 1947, by their Order No. SWL 523 LLD 74 dated 8th July 1974. The Points of dispute as specified in the Order of the reference are as follows :—

"1. Is the management of M/s. Baruguai, Sakleshpur post, Hassan District belonging to M/s. Coffee Lands Ltd., Sakleshpur, Hassan District Justified in refusing to pay Sri M. H. Veerappa his salary from 16th July 1973 to 16th August 1973 ?

2. If not to what relief is the said workman entitled ?"

2. After the receipt of the reference, notices were issued to both the parties to file their respective Statements. The first party filed its claim statement through post on 29th July 1974 and the second party filed its counter statement through post on 6th December 1974 respectively. The first party filed its reply statement through post on 7th December 1974. The claim of the first party in short is that Sri M. H. Veerappa is a staff member under the second party whose monthly salary is Rs. 456.25 comprising of Rs 225 basic and Rs. 231.25 dearness allowance. He is a permanent employee working continuously under the second party. However his salary from 16th July 1973 to 16th August 1973 has not been paid by the second party. It is contended that the action of the second party withholding his salary is without lawful and reasonable grounds. The action of the second party is *malafide*. Hence it was prayed that an award may be passed for payment of salary as above to the first party.

The second party in its counter statement resisted the claim of the first party and contended that it is not correct to say that the second party has witheld the salary of the first party amounting to Rs.456.25 without lawful and reasonable grounds. It is stated that the management had issued a transfer order transferring the first party from Barguai to Merthikhan Estate. The first party applied for leave on 23rd June 1973 for 22 days commencing from

24th June, 1973 to 15th July 1973. The leave was sanctioned to the first party and he was relieved of his duties at Barguai Estate as per the transfer order and directing him to report for duty at Merthikhan Estate on expiry of the leave. But the first party did not report for duty at Merthikhan Estate on 16th July 1973 after the expiry of his leave alleging that the quarters allotted to him require certain adjustments. The second party further submits that an alternative accommodation was offered to the first party. Inspite of that the first party abstained from reporting to duty at Merthikhan Estate. The quarters proposed to have been allotted to the first party were occupied previously by the staff members of equal rank. Therefore the reason put forth by the first party is not tenable. The first party unauthorisedly abstained from work from 16th July, 1973 to 16th August 1973. Hence he is not entitled to wages for the said period.

3. In view of the above pleadings, necessary additional issue was framed on 24th December 1974 and the case was posted for evidence. In the meantime a memo was received in the office on 13th January 1975 from the first party stating that the matter has been settled amicably and as such the first party does not press further proceedings in the above matter. On 22nd January 1975 when the case was taken up, both the representatives for the parties appeared before court and submitted that the matter has been amicably settled out of court and the reference may be rejected. In view of the above, there remains nothing more to be done in the matter but to reject the reference as not pressed.

4. In the result, the reference is rejected as not pressed. The memo fied by first party shall form part of the award. Parties to bear their own costs.

Mangalore,
Dated: 25-1-1975

Sd. H. S. VENKATASUBBAIAH,
Presiding Officer,
Labour Court, Mangalore.

ANNEXURE

BEFORE THE HONOURABLE LABOUR COURT, MANGALORE.

Ref. No. 42 *of* 1974

Between.—

Shri M. H. Veerappa, Staff Member, Barguai Estates of Coffee Lands Ltd., Sakleshpur P.O., represented by the Secretary for Mysore, Estates Staffs Union of South India, ESUSI House, Vijayapura, Chickmagalur.

I Party.

Vs.

The Management of Coffee Lands Ltd., Sakleshpur Post. *II Party.*

May it please your Honur.—

On behalf of the I Party, the Union begs to submit that the above matter has been settled amicably and as such it does not press further proceedings in the above matter.

A copy of this has been sent today to the II party management.

Dated this the 4th day of January 1975 at Chikmagalur.

For the I Party.

(Sd.) P. H. PINTO,
Secretary for Mysore ESUSI,
Chikmagalur.

Note and file.
(Sd.) H. S. Venkatasubbaiah,
Presiding Officer,
Labour Court, Mangalore.
22nd January 1975.

"TRUE COPY"

H. S. Venkatasubbaiah,
Presiding Officer,
Labour Court, Mangalore.
25th January 1975.

Order No. SWL 37 LLA 75

Bangalore, dated 22nd February 1975

S. O. 1054.—

WHEREAS by State Government Order No. SWL 523 LLD 74 dated 8th July 1974 the Industrial Dispute between the workmen and the management of M/s. Barguai Estate of Coffee Lands Ltd., Sakleshpur, Hassan District, was referred to the Labour Court, Mangalore for adjudication.

AND, WHEREAS the Labour Court, Mangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above in the *Karnataka Gazette.*

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
Under Secy. to Govt., S. W. and L. Deptt.,